

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

HENRY LUCKETT,

PLAINTIFF,

VS.

CIVIL ACTION NO. 4:06CV68-P-B

WERNER ENTERPRISES, INC.,

DEFENDANT.

FINAL JUDGMENT

These matters come before the court upon the Report and Recommendation [62] of the U.S. Magistrate Judge that this action be dismissed for failure to prosecute and the Defendant's Motion to Dismiss [64]. After due consideration of the Report and the motion to dismiss, the court finds as follows, to-wit:

On May 25, 2007 the court entered an Order granting plaintiff counsel's motion to withdraw and staying this case for sixty days to allow the plaintiff to obtain new counsel or to inform the court of his desire to proceed *pro se*. The deadline to so respond was July 24, 2007, but the plaintiff filed no response.

On August 3, 2007 the U.S. Magistrate Judge filed the instant Report and Recommendation, recommending that this action be dismissed for failure to prosecute pursuant to Fed. R. Civ. P. 41(b). The plaintiff had until August 20, 2007 to file any objections to the Report. The docket reflects that on August 14, 2007 Michael Keyton, an attorney from Port Gibson, telephoned that he intended to file a motion for additional time to file an objection to the Report. However, as of this date, no such motion has been filed nor has the plaintiff otherwise contacted the court.

IT IS THEREFORE ORDERED AND ADJUDGED that:

(1) The Defendant's Motion to Dismiss [64] is hereby **GRANTED** pursuant to Fed. R. Civ.

P. 41(b); therefore,

(2) The plaintiff's claims against the defendant are **DISMISSED WITHOUT PREJUDICE**;
and

(3) This case is **CLOSED**.

SO ORDERED this the 10th day of October, A.D., 2007.

/s/ W. Allen Pepper, Jr. _____
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE